

1 *Special Meeting*
2 *Minutes*
3 *August 7, 2006*
4

5 *A Regular Meeting of the Mayor and Council of the Borough of Leonia, Bergen County,*
6 *New Jersey, was held this evening in the Borough Hall Annex, commencing at 7:31pm*
7

8 Mayor Laurence Cherchi called the meeting to order.
9

10 Mayor Laurence Cherchi asked everyone to stand while Councilman President Puzzo led
11 in the Pledge of Allegiance.
12

13 ***Council Present:*** *Mayor Laurence Cherchi, Councilpersons Hawkins, Heveran,*
14 *Raucci, Ryan and Puzzo*
15

16 ***Council Absent:*** *Councilwoman Mitrani*
17

18 ***Also Present:*** *Fran Lehmann, Borough Clerk, Brian Giblin, Borough Attorney,*
19

20 **OPEN MEETING STATEMENT**
21

22 Conditions of the Open Meeting Act have been met by Notice placed on the Bulletin
23 Board at Borough Hall and notices sent to the Official Newspaper.
24

25 Mayor Cherchi pointed out the Fire Exit.
26

27 Mayor Cherchi asked for a moment of silence for Nick Riccuiitti former Senior Bus
28 Driver.
29

30 Mayor Cherchi thanked Mr. Gonzalez for picking up the notice regarding 604 Main
31 Street. The Governing Body discussed the issues at the last meeting and authorized the
32 Borough Attorney to represent the Borough, with the assistance of the Borough Engineer
33 and oppose the application.
34

35 **PUBLIC COMMENTS**
36

37 Albert Gonzalez, 115 Irving Street – Mr. Gonzalez explained to everyone that he went to
38 Fort Lee and reviewed the plans. Mr. Gonzalez explained how many units are being
39 proposed for the project. This proposed project will cause traffic issues for the Borough.
40 They have included a lot from Leonia. Mr. Gonzalez suggested making Christie Lane
41 one-way going east from Irving Street to Route 46. Mr. Gonzalez urged all in attendance
42 to go the meeting in Fort Lee on August 8, 2006. Mayor Cherchi explained that if the
43 developer doesn't do anything with the lot in Leonia, they do not need to come before our
44 boards.
45

46 John Erickson, 1 Paulin Boulevard – Noted that the lawyers for the proposal is including
47 property both in Fort Lee and Leonia it would make it a single entity. Mr. Erickson
48 inquired if the inclusion of the property in Leonia requires the project to be heard in
49 Leonia the point that is made in the presentation papers “since nothing is being done to
50 that Leonia piece of property therefore there is no need to come before Leonia.” Mr.
51 Erickson asked what the Borough Attorney thought was. Mr. Giblin explained that since
52 there are no improvements to be made on that lot, it does not require the approval of
53 either the Planning Board or the Board of Adjustment in Leonia. Mr. Erickson inquired
54 the proposed driveway is up against the property for Leonia would Leonia’s Ordinances
55 apply. Mr. Giblin explained that there is no construction proposed for the Leonia property
56 our Ordinances would not apply. Only Fort Lee’s Ordinances apply.
57

58 Leah Roland, 186 Crescent Avenue – Ms. Rolland asked if the property abuts a highway
59 does it need County and State approval. Mayor Cherchi stated he would expect the
60 County, where the driveway is going on Fort Lee Road and the State which is Route 46
61 as the project is exiting from a ramp on there would both be involved in reviewing the
62 project. Ms. Roland asked if it would be productive to engage the County and/or the
63 Stated in investigating this project. Mayor Cherchi stated the Governing Body is taking
64 the project very seriously.
65

66 Bill Russell, 325 Beechwood Avenue – Mr. Russell stated his expertise is in sustainable
67 developments. In his professional life Mr. Russell has advised several large real estate
68 developments how to develop sustainably. Mr. Russell feels that this development does
69 not fit the criteria of a sustainable development plan. Leonia, as a town needs to approach
70 more corroboratively with the town of Fort Lee. The Boroughs need to go about this with
71 a common vision approach. The Borough needs to appeal to Fort Lee that these variances
72 are not socially in the interest of the community with the impact of the building. Mr.
73 Russell expressed concern that something else needs to be planned for that parcel that is
74 more appropriate.
75

76 Joseph Vaspol, 139 Irving Street – Mr. Vaspol expressed concern about the traffic that
77 already exists and more traffic this will bring. People use the side streets to try and beat
78 the traffic. This development has 145 parking spaces, plus it is gong to tower so high it
79 will shadow everybody in the area. Leonia should not put up with it. Mayor Cherchi said
80 this project impacts the entire community it is so out of scale with everything around it.
81

82 Daniel Reardon, 95 Hoefleys Lane – Mr. Reardon plans his day around the traffic. There
83 is a school right across the street, and traffic on Jones Road. There is no Community
84 Benefits plan for the community.
85

86 Stephen Sokol, 455 Park Avenue – Cars are already using the area streets. If this is
87 approved perhaps some sort of barrier could be placed on Irving, Christie, Washington,
88 and Hazlitt to cut down on traffic coming through from the side roads to cut through to
89 Glenwood. Mayor Cherchi stated the Borough of Leonia has almost total control over
90 Borough streets. They can shut streets off from Route 46 with the approval of the State or
91 they can make them one way. The Fort Lee Road and Rte 46 are County and State roads

and the Borough does not have control over those roads. Mr. Sokol feels that measures should be taken if this is approved regarding traffic on the side streets.

Dr. Frank Livelli, 311 Oakdene Avenue – an hour before the meeting he spoke with a member of the Council in Fort Lee and he gave him the history of the property which was originally part of Leonia. It was up for sale for several years. The plan that was proposed at that time was not approved by the Borough of Fort Lee. It was a 12-15 story monolith. It went back on the market. And the current owner bought it with the understanding that this current proposal was a compromise that would be appealing to all parties in Fort Lee. Dr. Livelli feels that this is going to be an uphill battle. Mayor Cherchi said his understanding is the property was never in Leonia. Mayor Cherchi stated if there is as big a turnout tomorrow as tonight then maybe Fort Lee will get the message.

Martin Breckheimer, 164 Paulin Boulevard – Mr. Breckheimer explained that in the last five years he has had two sewer back-ups. One possibly both caused by overcapacity in Fort Lee. If they are going to increase the sewerage has an engineer addressed this? Mayor Cherchi said that is one of the questions to be asked tomorrow evening.

Chloe Bulinski, 204 Cumley Terrace – Spoke about sewer back-ups also.

Leonel Morales, 189 Grand Avenue – As a realtor and look at what is happening on Irving in 2004 someone over \$800,000 and taxes are \$12,000 and now probably \$14,000. Values of homes in the area are going to go drop.

Doug Todd, 125 Irving Street – Mr. Todd displayed a picture of the building it identifies traffic impacts. Mr. Todd read a portion of the impact study. Mayor Cherchi responded that it is normal for the developer to be responsible for a portion of the traffic signal. Mr. Todd questioned the additional runoff of stormwater. Mayor Cherchi stated the developer is looking to connect to our storm lines.

Ms. Finn, 315 Harold Avenue – Spoke about the traffic this was going to cause anyone traveling on Fort Lee Road.

Joseph Cella, 477 Fort Lee Road – I am directly across from the proposed development. There days that it takes 45 minutes to go from Overpeck Park to his driveway. With this development there will be more cars on Fort Lee Road with residents and clients. Mr. Giblin stated there maybe someone to address the traffic issues at the hearing. Mr. Cella inquired about the entering and exiting, as he understands the entrance is on the ramp from Rte. 46 the exit is on Fort Lee Road. Mr. Cella feels this is being forced on the Borough. Mr. Cella asked if there were any legal issues as he has not heard any at the meeting. Mayor Cherchi responded he should go the meeting in Fort Lee on August 8th. Mayor Cherchi stated that the Borough Attorney serves as attorney for several Planning Boards and the Engineering firm has traffic engineers and planners. They will provide the opposite testimony stating the variances should not be granted. Mr. Cella asked if the Borough was looking for an injunction. Mr. Giblin stated the Borough is not looking for an injunction that is not how Land Use Law works. Mr. Giblin stated all the jurisdictional

138 issues are being carefully reviewed such as the notice a sign that may not comply with
139 Fort Lee's requirements. The Engineering Firm has a planner who is reviewing the
140 reports and will be testifying in opposition to it. Mayor Cherchi explained that the reason
141 the developer is before the Board is because they need a use variance and therefore he has
142 to prove that it has a positive effect that supersedes the zoning that Fort Lee has in place.
143 Mr. Cella asked if the Borough has standing to say that we oppose this development. Mr.
144 Giblin stated yes.

145
146 Joseph Vasquez, 139 Irving Street – Mr. Vasquez inquired if Madonna Cemetery was
147 going to build a mausoleum and Leonia stopped it. Mayor Cherchi said no, they received
148 approval they just didn't build it.

149
150 Albert Gonzalez, 115 Irving Street – Mr. Gonzalez spoke about his experiences with the
151 Fort Lee Planning Board; Mr. Gonzalez urged everyone to attend the meeting in Fort Lee.

152
153 Carol Lutchen, 255 Glenwood Avenue – Ms. Lutchen noted that she has spoken to
154 residents in Fort Lee who were not aware of the project. The residents of Fort Lee are
155 impacted with the traffic as well. Most residents in Fort Lee know nothing about the
156 proposed development and do not want it. Councilman Hawkins the entire area is going
157 to be affected. Ms Lutchen stated there are many changes in the area coming in the next
158 few years but the Borough needs to act on this now.

159
160 Leah Roland, 186 Crescent Avenue –Stated coming off Route 46 onto Maple Avenue
161 frequently backs-up all the way into Palisades Park. No one has addressed that situation
162 which is already a horrendous situation. The stop light has increased the problem; traffic
163 flowed better before the light was installed. Mayor Cherchi asked which stop light Ms.
164 Roland was referring to? Ms. Roland stated Main Street and Maple, when you make the
165 turn off of Rte. 46.

166
167 John Erickson, 1 Paulin Boulevard – Mr. Erickson stated in the documents presented to
168 the Board they had their own consultants, Philips, Price, Shapiro, indicated a number of
169 issues that need to be addressed regarding New Jersey Land Use Law which also includes
170 the visual aspects, plus land, traffic etc. Mr. Erickson feels that it is important that the
171 Borough ask questions about concerns raised by their own consultants. Mr. Erickson
172 spoke with Mr. Toamro who is a soil expert who indicated you cannot tell the drainage
173 conclusions because the GEO technical report is not part of the report the question he
174 raised; starting out are they permitted to dump all their waste either through retention or
175 other types of basins into Leonia. As Leonia already has a problem with manholes
176 coming with sewer in the sanitary. Has the engineer been brought in with regards to the
177 impact of this matter for Leonia? Mayor Cherchi noted that the plans have gone to the
178 Borough engineer and we have received a report tonight. Council President Puzzo noted
179 that steps have been taken to have the engineer look at this. Mr. Erickson feels they
180 should answer all the concerns by their consultants.

182 Rachel Stern, 41 Paulin Boulevard – Ms. Stern asked if a copy of the traffic report be
183 placed in the Library. Inquired where the construction equipment would be placed on the
184 property.

185
186 Sue Reardon, Christie Heights – Inquired how this was going to effect the Police
187 Department and Crossing Guards will Fort Lee provide any extra safety for Leonia
188 children when they are going to school and these additional commuters are going to
189 work?

190
191 Leonel Morales, 189 Grand Avenue – As a realtor all of us buy homes and do two things
192 live in and sell it with the hope of making money on it. Leonia can't have an area that is
193 going to start losing its value because of this development. If you start losing property
194 value it sells for less and that starts spreading. The Borough can't tax people top dollar
195 when people can't get top dollar when they sell their house. Mayor Cherchi stated the
196 economic argument is not one that their board will consider.

197
198 Chloe Bulinski, 204 Cumley Terrace – Asked if it would be proper to bring up things
199 from the past that have been approved by Fort Lee that are unsafe. Mr. Giblin stated that
200 every application has to rise and fall on its own merit. If they have approved 30 bad
201 projects it has nothing to do with this one.

202
203 Warren Atheras, 244 Hillside Avenue – It appears that they want to tie into our drainage
204 system. Mayor Cherchi said it appears that is the case. Mr. Atheras asked about the sewer
205 system. Mayor Cherchi said no. Mr. Atheras asked about the Gulf Station tying into Fort
206 Lee? Mayor Cherchi stated this is the first the Borough looked at. There is a sewer line
207 across the ramp from where they are building that shows their sanitary line. Mr. Atheras
208 stated 6 or 7 years ago there was so much pressure coming down that the storm drain in
209 the back of the Methodist Church lifted it was human waste. The Board of Health was
210 notified and the DPW had to hose down all the human waste into the sewer and out. With
211 all this extra pressure coming down from Fort Lee is not going to help the Borough's
212 antiquated system. Mayor Cherchi stated that is one of the concerns that someone on
213 Paulin Boulevard brought up is the capacity of the sewer line. It is not that one that you
214 are talking about. It is Moore's Creek that goes through Hoefley's Lane. The capacity
215 that goes through Fort Lee Road their engineering people would have to determine that.
216 Mr. Atheras stated the system going from the American Legion to the Methodist Church
217 is a 6" pipe going into a 4" pipe.

218
219 Karen Vaspol, 139 Irving Street – Mrs. Vaspol stated it seems like this is going to be
220 voted in is there anything that is going to be done with sound barriers. Mayor Cherchi did
221 not see sound barriers. Mrs. Vaspol noted that at least once a month there is a major car
222 accident at that intersection. Mayor Cherchi agreed it is a bad intersection. The
223 developers are proposing putting in a \$300,000 light even if the project does not go
224 through.

228 **RESOLUTIONS**

229
230 Council President Puzzo made a motion to pull Resolution 06-199 for discussion,
231 seconded by Councilwoman Heveran. All in favor none opposed.

232
233 Councilman Ryan held Resolution 06-202

234
235 Mayor Cherchi questioned the bill for MCI. The Borough Clerk explained it is the
236 company that has alarm system in Borough Buildings and they just came in and did an
237 inspection.

238
239 Councilwoman Heveran made a motion to approve Resolution 06-200, 06-201, 06-
240 203through 06-205, seconded by Council President Puzzo. Roll call vote; Councilpersons
241 Hawkins, Heveran, Raucci, Ryan and Puzzo voted yes. Councilwoman Mitrani was
242 absent.

243 **Resolution 06-202** - Councilman Ryan there is an open line of communication between
244 Birdsall Engineering and the DPW Superintendent. Councilman Ryan feels that if we
245 authorize this amount it will cost that amount. If there are problems he can pick up the
246 phone. I don't see what huge engineering issues there will be with moving people out of
247 the building and rehabbing the building. Councilwoman Heveran asked if it was the
248 amount that was a bad idea or the concept? Councilman Ryan asked why the Council
249 wouldn't pass resolutions allowing the DPW Superintendent for billable time all the time.
250 It shouldn't work that way. Councilman Raucci we have a situation where there is no
251 Administrator here so we are trying to get help in the oversight and the movement of this.
252 Again where the Council employs the engineering firm the Council has to authorize
253 money. Councilman Raucci also feels that all the sub-code inspectors that work for the
254 Borough will be involved to try and move the project ahead. When the Borough gets the
255 engineering people involved it will cost some money. Council President Puzzo stated that
256 Mr. Saitta said he needed assistance in working with the contractor as he does not have a
257 lot of experience in working with contractors on large projects like this. Councilman
258 Raucci does also have a responsibility here. Mayor Cherchi inquired who is going to be
259 doing this? He understands from Councilman Hawkins that Ann Brown isn't the engineer
260 for the Borough any longer. Councilman Hawkins stated Ann Brown has been replaced.
261 Mayor Cherchi brought up a bill from Birdsall. He feels we are paying too much for
262 engineering. Councilwoman Heveran does not feel that the new engineer come to the
263 next meeting. Council President Puzzo agreed. But he felt that it was necessary to have
264 some help for Mr. Saitta going forward with this project. There is no question that he
265 needs assistance. There are a lot of things that were left out on this project that need to
266 lined up quickly. Council President Puzzo suggested holding Resolution 06-202 until the
267 next meeting.

268
269 **Resolution 06-199** – Councilman Ryan stated the Resolution stated the building is in
270 excess of 100' is that correct? Borough Attorney Giblin said it is difficult to say. The
271 report from their planner says the building is either 94 or 96 feet. They noticed it in the
272 newspaper for 103.5 feet. According to the Borough Engineer it is 106 feet. Mr. Giblin
273 stated he is not sure which is correct but will go with what the Borough Engineer.

Councilman Hawkins if this does go through and the property becomes one property does this make the owner of the property a Leonia taxpayer? Mr. Giblin answered yes the developer would pay taxes to Leonia. Council President Puzzo asked if any research on the issue of Leonia ceding the property to Fort Lee? Mayor Cherchi stated historically the Borough was part of Ridgefield Township they passed an act that allowed all these little Boroughs. Palisades Park started. Leonia rushed and drew their boundaries for referendum and they did not include that property. The remainder of Ridgefield Township became Fort Lee. Fort Lee got whatever was left over that no one else took. The tavern was carved out and it became part of Fort Lee. Council President Puzzo asked Mr. Giblin if from his land use experience, feel a need to go back into history and see about it? Mr. Giblin stated a resident has supplied him with copies of the deeds for the property. Mr. Giblin feels that one of the lots is located in Leonia even though nothing is going to be built on it; it will certainly help in the Borough's case. Councilman Puzzo asked about financial impact and it having no bearing on land use. Mr. Giblin explained that financial impact to the property owner is not taken into account, but financial impact if it going to decimate an area the Board should take that into consideration. Councilman Puzzo asked if a report on the financial impact to the area as well. Mr. Giblin stated it would not hurt to have someone testify that the land values of surrounding single family uses in Leonia are going to be diminished by this project. Mayor Cherchi asked about the last paragraph of the resolution being proposed. Council President Puzzo explained that the Borough of Leonia understands Fort Lee's right to build something there and would like to work with them to come up with a proposal that would be in the Borough's best interest and Fort Lee's best interest. Councilman Ryan suggested it read as 'NOW, THEREFORE BE IT RESOLVED, that the Borough of Leonia strongly objects to the Fort Lee Green Proposal'. Council President Puzzo suggested adding "NOW, THEREFORE, BE IT FURTHER RESOLVED the Borough of Leonia is willing to work with the Borough of Fort Lee to mitigate a detrimental impact a proposal will cause." Councilman President Puzzo suggested the Resolution be sent to State Legislators, the DEP, the DOT, the County, the BCUA and the neighboring municipalities. Mr. Giblin suggested the last change should be any detrimental impact any development this property will cause. The Council agreed.

Resolution 06-206 Councilman Puzzo made a motion to authorize a traffic study be prepared in conjunction with 604 Fort Lee Road in an amount not to exceed \$3,000, provided that CFO certifies that funds are available, seconded by Councilwoman Heveran. Roll call voted Hawkins, Heveran, Raucci, Ryan and Puzzo. Councilwoman Mitrani was absent. Resolution approved. Councilman Raucci suggested utilizing Birdsall Engineering as they are already reviewing the plans.

Council President Puzzo inquired of the Borough Attorney his opinion about a financial impact report. Mr. Giblin stated this is normally done by the planner. Our planner is going to testify regarding the detrimental impacts this project will have on Leonia and surrounding areas. Councilman Ryan asked who the planner was? Mr. Giblin stated the planner comes from Birdsall Engineering. A realtor does not carry as much weight before the Boards. A planner is familiar with land use law. Councilman Puzzo asked about what parameters were set regarding the finances for the planner for this project. Ms. Becker

said there is not much left in engineering for this year. Ms. Becker stated we do have a grant for \$20,000 for downtown improvements. Ms. Becker said there was a decision to hire a planner.

UNFINISHED BUSINESS

- a.) **Grievance Policy** – Mayor Cherchi read a portion of the policy from the Borough Personnel Policies regarding a grievance. Mayor Cherchi states we have a process for an employee who has a problem with anything in the Personnel Policies that an employee is to go through. Mayor Cherchi referred to a letter from one Department Head to another asking for an interpretation of the salary regarding that person. A letter like this should follow that normal chain. The letter should have gone to the Borough Administrator if not then to the Council. Councilwoman Heveran read a portion of the Policies and did not feel that the letter was a question. No where does the letter say that this is a dispute. It is a question not a formal grievance complaint. Mayor Cherchi feels this should follow the chain. Councilwoman Heveran disagreed with Mayor Cherchi she stated that when a grievance is filed it states “Grievance” on the letter. We have had many questions posed to the Council and to you Mayor in the form of a question this is not a formal dispute concerning any application, policy or procedure. Councilman Hawkins highlighted the word “formal” that goes beyond asking a question. When someone has a formal dispute there is intent with that formal dispute. If a person asks a question it simply that a question. Mayor Cherchi feels that if you are asking questions about your salary and the Mayor and Council are talking about your salary and are asking questions of anyone other than the Mayor and Council you are not following the right procedure. Mr. Giblin stated a question is distinguishable from a grievance. If someone is asking a question just to see what the policy is it is not necessarily a grievance. If they are not happy with the answer and they want to challenge it that is a grievance. Mayor Cherchi asked if someone has a question about their salary should they go to payroll or should they go to their supervisor. Council President Puzzo suggested this go to Personnel and Finance to establish a policy and make a recommendation.

- b.) **Donation of Pews for the Court** – Councilwoman Heveran reported that the Court Administrator, Fran Yandoli had approached her that a local synagogue was going to be demolishing their building and building a new one. They had inquired if the Court was interested in obtaining the pews? The synagogue has since changed their mind about donating they are now requesting \$300 a pew. Councilwoman Heveran explained to all why the idea a pew in court was more appropriate. After a discussion the Council agreed to forgo on the pews.

- c.) **Borough Hall Construction** – Council President Puzzo stated he put this on to make sure everyone is in agreement to have Tony Saitta as project manager. Would like to see what other people thoughts on the project are. I have spoken with Mr. Saitta and what is supposed to be a \$250,000 project is looking like a

366 \$450,000 project. Council President Puzzo does not want to put \$250,000 of
367 taxpayers' money into the project. Willing to spend the \$250,000 and go for
368 another grant next year and finish what is not completed this year. Councilwoman
369 Heveran stated there are two things 1) the things that should be repaired to
370 maintain the value of the building. 2) I had expressed concern about the
371 configuration of the Borough Offices. Something that will be minimal; I am
372 hearing continually from the public they are not being served efficiently. Mayor
373 Cherchi feels that if Council starts making changes there is a possibility of losing
374 the grant. Council President Puzzo has spoken with Mr. Saitta and there are four
375 major things from an infrastructure perspective that need to be addressed; roof
376 and gutters, air conditioning, windows and bathroom on the second floor. When
377 the Council looks at those four things it is probably \$250,000 in reality there is
378 only \$220,000 left because \$30,000 has been spent on the architect. Councilman
379 Hawkins stated \$33,000 which leaves \$217,000. Those four things keep the value
380 of the building and spend most of the money. If there is money left over and then
381 Council can look at the configuration. If everyone is in agreement and the Council
382 does the first three items. Mr. Saitta knows what he can with. Myrna Becker, CFO
383 stated that the project has to be reduced to the \$220,000 if not the radio
384 communications cannot be done. Cannot fund some of the projects that are grants
385 there is only \$10,000 in the Capital Improvement Fund to complete the projects.
386 \$220,000 is going to have to fund the project. There are too many other projects
387 going on. Once a bathroom is installed upstairs things will need to be
388 reconfigured. Council President Puzzo stated if you set your priorities and the
389 bathroom is number 4 the Council then gives Mr. Saitta a direction in which to
390 go. Start working with the contractor and the architect and get things done. The
391 project may have to be re-bid. Council President Puzzo asked the Borough
392 Attorney if changing the scope of work now sets the Borough up to be sued by the
393 contractor? Mr. Giblin stated the Council could be sued. Mayor Cherchi feels that
394 the Borough should move forward with the project. Council President is
395 suggesting that the Council prioritize what needs to be addressed. Councilman
396 Hawkins stated that the downtown was done in phases and there is no reason why
397 this project cannot be done in phases. Employees need to be moved. Councilman
398 Hawkins agrees with Council President Puzzo and repair the structural problems
399 done without interrupting Borough Hall. Mayor Cherchi asked the Borough
400 Attorney what the legal requirements are for a certain project that has been bid
401 and awarded? Mr. Giblin stated he has never been in a situation where the bid has
402 been awarded but the contract has not been executed. The Council did officially
403 take action and award the bid. Some issues did arise; the architect wanted to
404 change the contract, which was part of the bid specifications. The contractor had a
405 problem with the changes. That is the only reason the contract is not signed. Mr.
406 Giblin will research what the ramifications are if the Governing Body wishes to
407 vacate the award of the bid. Mayor Cherchi said one of the key parts is when the
408 Borough loses the \$250,000 and have to pay the money spent on the architect.
409 Councilman Raucci understands some of the concerns, but I came in after it was
410 started it has great merit. Some grants are catalysts. We were made aware of this.
411 The communications equipment came as a surprise. The Borough Hall plan has

412 been around for a while and it is a good plan. To do it twice instead of all at once.
413 No one has spoken to the contractor regarding any changes. The contractor may
414 be able to take legal action against the Borough. Some planning needs to be done.
415 I met with Deborah Bigelow today. It seems that as a Council we have no
416 knowledge that the lower level of the Library is being rented out and the
417 Ambulance Corps is being rented out. The only building in the control of the
418 Council is the Annex and that has a problem with power. The project has merit
419 and we have to delay the start of the project. Mayor Cherchi feels that if we don't
420 go forward it will fall apart. The argument for rehabilitation was made this past
421 week with the broken water pipe. Councilman Hawkins does not feel that putting
422 on a new roof, windows or air conditioning is stopping the project. The Borough
423 should see if another grant is available. The Council should not be doubling the
424 amount of money and putting it on taxpayers shoulders. Councilwoman Heveran
425 agrees with Council President Puzzo about not adding more money to the
426 \$250,000 grant. Mayor Cherchi feels that it will benefit the Borough to make the
427 needed repairs on Borough Hall. Council President Puzzo asked Mr. Giblin for a
428 discussion with the contractor to see what flexibility he will allow the Borough
429 regarding the project. Council President Puzzo also asked if in Mr. Giblin's
430 experience what happens if the Council goes to the contractor and says we have to
431 stop the project now because there is no more money to complete it.? Mr. Giblin
432 stated there is a certain scope of work that they bid on that they are required to do.
433 The only thing the Borough can talk to the contractor about is change orders and
434 not doing that work and some other work. Councilman Hawkins noted that he will
435 not vote for renovations to Borough Hall over the communications system for the
436 Borough. The Council continued discussing the project at length.
437

438 At this point in the meeting Councilman Hawkins made a motion to extend the meeting
439 until 10:30 seconded by Councilwoman Heveran. All in favor none opposed.
440

- 441 d.) **Spring Street Resident Re-Location** – Mayor Cherchi asked Councilwoman
442 Heveran to review what happened with the resident on Spring Street.
443 Councilwoman Heveran reviewed for the Council the action taken. Mayor
444 Cherchi referred to a legal opinion from Mr. Giblin.
445

446 **NEW BUSINESS**

- 447 a. **Citizens Advisory Group the Real Estate Committee** – Council President
448 Puzzo explained that there are several issues regarding real estate. Council
449 President submitted a list of names for Council consideration. Councilman Ryan
450 asked what was different from the last time this brought to the Council for
451 consideration. Councilman Ryan asked where the names came from. Councilman
452 Hawkins explained where the names came from. Councilwoman Heveran asked
453 about Rosemary Penagio? Councilman Hawkins explained her background.
454 Mayor Cherchi feels this should be handled by the Planning Board. A committee
455 like this does not have to meet in public; they can meet in secret this has happened
456 in the past. The Governing Body discussed at length the committee.
457

- 458 b. **Open Public Records Act** – Mayor Cherchi asked why the Governing Body was
459 not aware that the Record was suing the Borough. The Borough Clerk apologized
460 for the oversight. The Borough Attorney also apologized for not bringing it to the
461 attention of the Governing Body.
462
- 463 c. **DPW Radio Frequency** – Mayor Cherchi stated he was informed that the license
464 for the DPW was expired. Councilman Ryan thought the license was normally
465 handled by the company that handles these renewals. Councilman Hawkins asked
466 if Ex-Chief Peters who was in attendance could answer the question. Ex-Chief
467 Peters stated traditionally the radios were housed in the police station and have
468 been renewed by the Police Chief. Council President Puzzo asked the CFO to
469 review when it should have been done and to please pay the bill.
470
- 471 d. **Appointment to Sign Purchase Orders** – The Borough Clerk explained that
472 someone needs to be appointed so sign purchase orders. Resolution 06-207 -
473 Council President Puzzo made a motion to approve Resolution 06-207 to appoint
474 Myrna Becker to sign purchase orders, seconded by Councilwoman Heveran. Roll
475 call vote; Councilpersons Hawkins, Heveran, Raucci, Ryan and Puzzo voted yes.
476 Councilwoman Mitrani was absent. Resolution approved.
477
- 478 e. **DOT Projects** – Myrna Becker explained what needed to be done with the
479 Projects. Ms. Becker stated the Phase I cannot be closed out. The Governing Body
480 discussed the issues regarding Phase I closeout. Ms. Becker discussed the memo
481 received from the DOT regarding various projects.
482

483 At this point in the Meeting Councilman Hawkins made a motion to extend the meeting
484 until 11:00pm, seconded by Councilman Raucci. All in favor none opposed.
485

- 486 f. **Filming of TV Commercial** – The Borough Clerk explained the filming of a
487 commercial for Cablevision. Resolution 06-208 Councilwoman Heveran made a
488 motion to approve Resolution 06-208, seconded by Council President Puzzo. Roll
489 call vote; Councilperson Hawkins, Heveran, Raucci, Ryan and Puzzo voted yes.
490 Councilwoman Mitrani was absent. Resolution 06-208 approved.
491

492 **CORRESPONDENCE**

493 None
494

495 **COMMENTS FROM THE PUBLIC**

496 Barbara Marchant, 128 Spring Street – Inquired if all the Governing Body was against
497 604 Main Street, Fort Lee? Mayor Cherchi stated the Council has voted unanimously to
498 oppose the project. They have authorized the Borough Attorney and the Engineer to
499 represent the Borough. Mrs. Marchant inquired if the Governing Body was going to take
500 a stance regarding eminent domain in the Borough. Mayor Cherchi stated it has gone to
501 Laws and Ordinances. Council President Puzzo stated that Laws and Ordinances has
502 discussed the issue and they are not sure that the way the State has addressed is the right
503 way either. It is a tool that can be used that in some manners will be beneficial to the

community. It is not something that the Governing Body is looking to use right now. Councilman Hawkins stated the more he reads about it there are many types of eminent domain. It does not make sense to right a blanket policy against eminent domain it needs to be done case by case. Mayor Cherchi stated that the policy he was looking at had to do with condemning property and giving it to a developer. That is the one I have asked to consider.

Carol Lutchen - There is a public defender for land use in Bergen County, is that someone that the Council would consider calling in this situation? Mayor Cherchi said no we have our Borough Attorney and we know our Borough Attorney. Is the Governing Body actively looking for a Borough Administrator, has the position been advertised? There are a lot of things that need to be overseen. Councilwoman Heveran stated that the position has been advertised and resumes have been received and are being reviewed. The full Council will be interviewing those selected by the Committee. Mayor Cherchi noted that a new Administrator can be hired until November. Councilman Raucci asked if an emergency appropriation could be done. Ms. Becker stated yes. Mayor Cherchi noted that he has until September 1st to appoint someone with the concurrence of the Council.

CLOSED SESSION (RESOLUTION M)

A motion to go into closed was made by Council President Puzzo, seconded by Councilwoman Heveran. All in favor none opposed.

Councilwoman Heveran made a motion to adjourn, seconded by Councilman Hawkins. All in favor; none opposed.

As there was no further business before the Governing Body, the meeting was adjourned at 11:15pm

Respectfully submitted,

Fran Lehmann
Borough Clerk